

Sixth Appellate District

San Jose, California

MONDAY, AUGUST 31, 2009

H033359 PEOPLE v. GARRIS

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)
Filed August 31, 2009

H034207 C.S. v. SUPERIOR COURT

The petition is denied. The stay of further proceedings in the juvenile court issued by this court on July 31, 2009, is hereby dissolved. (not published)
(Duffy, J.; We concur: Rushing, P.J., Mihara, J.)
Filed August 31, 2009

TUESDAY, SEPTEMBER 1, 2009

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and W. Magsaysay, Deputy Clerk.

H033466 In re DONALD RAY LEWIS on Habeas Corpus

Cause called and argued by Denise Yates, Deputy Attorney General, appearing for Appellant and by Heather Mackay appearing for Respondent. Cause ordered submitted.

H032539 PEOPLE v. JACKSON

Cause called and argued by David Martin appearing for Appellant and by Bruce Ortega, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H033186 PEOPLE v. ROJAS

Cause called and argued by Ronald Boyer appearing for Appellant and by Bruce Ortega, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H033724 In re ROBERT DEAN ANCHOR on Habeas Corpus

Cause called and argued by Brian Kinney, Deputy Attorney General, appearing for Appellant and by Roger S. Hanson appearing for Respondent. Cause ordered submitted.

H033857 GRIFFITH v. COUNTY OF SANTA CRUZ

Cause called and argued by Harold Griffith, appellant appearing in Propria Persona and by Dwight Herr, Deputy County Counsel, appearing for Respondent. Cause ordered submitted.

Court recesses until 1:30 p.m.

Sixth Appellate District

San Jose, California

Tuesday, September 1, 2009 (continued)

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California.
Present: Rushing, P.J.; Premo, J.; Elia, J.; and Beth Miller, Deputy Clerk.

H033986 In re ERMIAE BELOW on Habeas Corpus

Cause called and argued by Amanda J. Murphy, Deputy Attorney General, appearing for Appellant and by Thomas Master appearing for Respondent. Cause ordered submitted.

H032016 PEOPLE v. RIVERS

Cause called and argued by Paul Carroll appearing for Appellant and by Karen Z. Bovarnick, Deputy Attorney General, appearing for Respondent. Submission deferred pending supplemental briefing by respondent.

H032050 PEOPLE v. MCCLISH

Cause called and argued by Mark Greenberg appearing for Appellant and by Brent Wilner, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H033832 PEOPLE v. M.R.

Cause called and argued by Karli E. Sager appearing for Appellant and by Michael Bannister, Deputy Attorney General, appearing for Respondent. Cause ordered submitted. Court adjourns.

H032559 PEOPLE v. NEVAREZ

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed September 1, 2009

H032497 PEOPLE v. DANIELS

By the Court*:

Appellant's petition for rehearing is denied.
Filed: September 1, 2009

*Before Elia, J. and Mihara, J.; Rushing, P.J. is of the opinion that the petition should be granted.

WEDNESDAY, SEPTEMBER 2, 2009

(no minute approved orders)

Sixth Appellate District

San Jose, California

THURSDAY, SEPTEMBER 3, 2009

The following cases are submitted this date:

H033618 PEOPLE v. SAMPRATH
H032991 PEOPLE v. THOMPSON
H034077 GRIFFITH v. COUNTY OF SANTA CRUZ
H033527 PEOPLE v. ROTROFF
H028783 PEOPLE v. MENTCH
H033753 MILETAK v. DAVI, etc.
H033386 PEOPLE v. PEREZ
H033706 PEOPLE v. LAVERRIERE
H032568 PEOPLE v. AHMAD

H032659 PEOPLE v. ANTONIO O.

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed September 3, 2009

H032094 FITZGERALD v. EL CAMINO HOSPITAL et al.

The judgment as to El Camino Hospital is affirmed. The judgment as to Lee is reversed. That matter is remanded to the superior court with directions to vacate the order granting Lee's summary adjudication motion and enter a new order denying summary adjudication of Fitzgerald's failure to obtain informed consent cause of action against Lee. El Camino Hospital shall recover its costs on appeal. Lee and Fitzgerald shall bear their own costs on appeal. (not published)
(Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)
Filed September 3, 2009

H033622 PEOPLE v. CRENSHAW

The judgment is modified by striking the order to pay a booking fee of \$129.75 to the city of San Jose, or "CJAF \$129.75 CITY SAN JOSE" as indicated in the abstract of judgment. The abstract of judgment is also ordered amended to state that (1) defendant was convicted of buying or receiving stolen property under Penal Code section 496, subdivision (a), rather than Penal Code section "496(A)(C)," (2) defendant was convicted by plea, rather than by the court, and (3) a general order of restitution was made by the court. As so modified, the judgment is affirmed. The clerk of the superior court shall modify the abstract of judgment as ordered herein and forward a copy of the modified abstract of judgment to the Department of Corrections and Rehabilitation. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Duffy, J.)
Filed September 3, 2009

Sixth Appellate District

San Jose, California

FRIDAY, SEPTEMBER 4, 2009

H033051 PEOPLE v. GRECO

The judgment is modified to reflect penalty assessments of \$345 attached to the criminal laboratory fee, \$690 attached to the drug program fee, and \$161 attached to the AIDS education fine. In all other respects, the judgment is affirmed. (not published)

(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed September 4, 2009

The following case is submitted this date:

H031174 PEOPLE v. LEAL